

1 AN ACT Relating to base compensation provided under the state's
2 program of basic education; amending RCW 28A.400.200 and 41.59.105;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that full-time
6 certificated staff in our state's K-12 public schools work a full-
7 time job in a substantially compressed one hundred eighty-day
8 traditional calendar. National and state research affirms that our
9 K-12 teachers, teaching a full-time load, work in excess of one
10 thousand six hundred fifty hours per year. These employees are not
11 part-time workers as is often perceived by the public. Rather, these
12 are full-time jobs on a compressed schedule, averaging nine and one-
13 half hours per day of work.

14 Therefore, the legislature intends to define the full-time nature
15 of this work in these time standards as part of the state's program
16 of basic education.

17 **Sec. 2.** RCW 28A.400.200 and 2018 c 266 s 205 are each amended to
18 read as follows:

1 (1) Every school district board of directors shall fix, alter,
2 allow, and order paid salaries and compensation for all district
3 employees in conformance with this section.

4 (2)(a) Through the 2017-18 school year, salaries for certificated
5 instructional staff shall not be less than the salary provided in the
6 appropriations act in the statewide salary allocation schedule for an
7 employee with a baccalaureate degree and zero years of service;

8 (b) Salaries for certificated instructional staff with a master's
9 degree shall not be less than the salary provided in the
10 appropriations act in the statewide salary allocation schedule for an
11 employee with a master's degree and zero years of service; and

12 (c) Beginning with the 2018-19 school year:

13 (i) Salaries for full-time certificated instructional staff must
14 not be less than forty thousand dollars, to be adjusted for regional
15 differences in the cost of hiring staff as specified in RCW
16 28A.150.410, and to be adjusted annually by the same inflationary
17 measure as provided in RCW 28A.400.205;

18 (ii) Salaries for full-time certificated instructional staff with
19 at least five years of experience must exceed by at least ten percent
20 the value specified in (c)(i) of this subsection;

21 (iii) A district may not pay full-time certificated instructional
22 staff a salary that exceeds ninety thousand dollars, subject to
23 adjustment for regional differences in the cost of hiring staff as
24 specified in RCW 28A.150.410. This maximum salary is adjusted
25 annually by the inflationary measure in RCW 28A.400.205;

26 (iv) These minimum and maximum salaries apply to the services
27 provided as part of the state's statutory program of basic education
28 and exclude supplemental contracts for additional time,
29 responsibility, or incentive pursuant to this section or for
30 enrichment pursuant to RCW 28A.150.276;

31 (v) A district may pay a salary that exceeds this maximum salary
32 by up to ten percent for full-time certificated instructional staff:
33 Who are educational staff associates; who teach in the subjects of
34 science, technology, engineering, or math; or who teach in the
35 transitional bilingual instruction or special education programs.

36 (3)(a)(i) Through the 2017-18 school year the actual average
37 salary paid to certificated instructional staff shall not exceed the
38 district's average certificated instructional staff salary used for
39 the state basic education allocations for that school year as
40 determined pursuant to RCW 28A.150.410.

1 (ii) For the 2018-19 school year, salaries for certificated
2 instructional staff are subject to the limitations in RCW 41.59.800.

3 (iii) Beginning with the 2019-20 school year, for purposes of
4 (~~subsection (4) of this section,~~) RCW 28A.150.276(~~(7)~~) and
5 28A.505.100, each school district must annually identify the actual
6 salary paid to each certificated instructional staff for services
7 rendered as part of the state's program of basic education.

8 (b) Through the 2018-19 school year, fringe benefit contributions
9 for certificated instructional staff shall be included as salary
10 under (a)(i) of this subsection only to the extent that the
11 district's actual average benefit contribution exceeds the amount of
12 the insurance benefits allocation, less the amount remitted by
13 districts to the health care authority for retiree subsidies,
14 provided per certificated instructional staff unit in the state
15 operating appropriations act in effect at the time the compensation
16 is payable. For purposes of this section, fringe benefits shall not
17 include payment for unused leave for illness or injury under RCW
18 28A.400.210; employer contributions for old age survivors insurance,
19 workers' compensation, unemployment compensation, and retirement
20 benefits under the Washington state retirement system; or employer
21 contributions for health benefits in excess of the insurance benefits
22 allocation provided per certificated instructional staff unit in the
23 state operating appropriations act in effect at the time the
24 compensation is payable. A school district may not use state funds to
25 provide employer contributions for such excess health benefits.

26 (c) Salary and benefits for certificated instructional staff in
27 programs other than basic education shall be consistent with the
28 salary and benefits paid to certificated instructional staff in the
29 basic education program.

30 (d) The professional responsibilities, time, and effort required
31 to provide the state's statutory program of basic education exceed
32 the required number of instructional hours specified in RCW
33 28A.150.220. Therefore, the salaries described under subsection (2)
34 of this section apply to services by certificated instructional staff
35 that include but are not limited to:

36 (i) Preparations, planning, and coordination for the instruction
37 of the state's statutory program of basic education;

38 (ii) Meeting and collaborating with parents, teachers, and staff
39 regarding the state's statutory program of basic education; and

1 (iii) The evaluation of student learning from the instruction of
2 the state's statutory program of basic education.

3 (4) (a) Salaries and benefits for certificated instructional staff
4 may exceed the limitations in subsection (3) of this section only by
5 separate contract for additional time, for additional
6 responsibilities, or for incentives. Supplemental contracts shall not
7 cause the state to incur any present or future funding obligation.
8 Supplemental contracts must be accounted for by a school district
9 when the district is developing its four-year budget plan under RCW
10 28A.505.040.

11 (b) Supplemental contracts shall be subject to the collective
12 bargaining provisions of chapter 41.59 RCW and the provisions of RCW
13 28A.405.240, shall not exceed one year, and if not renewed shall not
14 constitute adverse change in accordance with RCW 28A.405.300 through
15 28A.405.380. No district may enter into a supplemental contract under
16 this subsection for the provision of services which are a part of the
17 basic education program required by Article IX, section 1 of the
18 state Constitution and RCW 28A.150.220.

19 (c) (i) Beginning September 1, 2019, supplemental contracts for
20 certificated instructional staff are subject to the following
21 additional restrictions: School districts may enter into supplemental
22 contracts only for enrichment activities as defined in and subject to
23 the limitations of RCW 28A.150.276, and must incorporate the
24 provisions under subsection (3) (d) of this section.

25 (ii) For a supplemental contract, or portion of a supplemental
26 contract, that is time-based, the hourly rate the district pays may
27 not exceed the hourly rate provided to that same instructional staff
28 ~~((for services)) under ((the basic education salary identified under~~
29 ~~subsection (3) (a) (iii) of this section))~~ their base contract. For a
30 supplemental contract, or portion of a supplemental contract that is
31 not time-based, the contract must document the additional duties,
32 responsibilities, or incentives that are being funded in the
33 contract.

34 (5) Employee benefit plans offered by any district shall comply
35 with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

36 **Sec. 3.** RCW 41.59.105 and 2017 3rd sp.s. c 13 s 818 are each
37 amended to read as follows:

38 (1) All collective bargaining agreements entered into between a
39 school district employer and school district employees under this

chapter after June 10, 2010, as well as bargaining agreements existing on June 10, 2010, but renewed or extended after June 10, 2010, shall be consistent with RCW 28A.657.050.

(2) All collective bargaining agreements entered into between a school district employer and school district employees under this chapter shall be consistent with RCW 28A.400.280 and 28A.400.350, and must incorporate the provisions under RCW 28A.400.200(3)(d).

(3) Employee bargaining shall be initiated after July 1, 2018, over the dollar amount to be contributed beginning January 1, 2020, on behalf of each employee for health care benefits. Bargaining must subsequently be conducted in even-numbered years between the governor or governor's designee and one coalition of all the exclusive bargaining representatives impacted by benefit purchasing with the school employees' benefits board established in RCW 41.05.740, consistent with RCW 28A.400.280 and 28A.400.350. The coalition bargaining must follow the model initially established for state employees in RCW 41.80.020.

(4) The governor shall submit a request for funds necessary to implement the collective bargaining agreement for the dollar amount to be expended for school employee health benefits, or for legislation necessary to implement the agreement. A request for funds shall not be submitted to the legislature by the governor unless such request:

(a) Has been submitted to the director of the office of financial management by October 1st prior to the legislative session at which the request is to be considered; and

(b) Has been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds. The legislature shall not consider a request for funds unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060.

If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement. However, if the director of the office of financial management does not certify a request under this section as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds.

1 The legislature may act upon the health care benefit provisions of
2 the modified collective bargaining agreement if those provisions are
3 agreed upon and submitted to the office of financial management and
4 legislative budget committees before final legislative action on the
5 biennial or supplemental operating budget. If the legislature rejects
6 or fails to act on the submission, either party may reopen all or
7 part of the agreement.

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